

The regular monthly meeting of the Borough Council of Lewisburg, Union County, Pennsylvania, was held on **Tuesday, January 17, 2017**, in the Council Chambers, 55 South Fifth Street. Present: Council President Bergonia; Councilmembers Cox, Derman, Frederick, Morris and Yohn; Mayor Wagner, Solicitor Lyons, Manager Lowthert and Secretary Garrison. Absent: Councilmember Cook and Mahon and BVRP Chief Yost. Also present: Ted Strosser, David Hines and Matt Farrand.

**CALL TO ORDER:** Council President Bergonia called the meeting to order at 7:00 PM, followed by the pledge of allegiance.

**APPROVAL OF MINUTES:** Motion was made by Councilmember Derman, seconded by Councilmember Yohn, to approve the minutes of the December 20, 2016 regular monthly meeting. Motion was unanimously approved.

**PUBLIC HEARING:** Council President Bergonia adjourned the regular order of business to conduct a public hearing on a conditional use request from JPF & LLF Enterprises, LP for the property located at 30 North Fourth Street. The applicant wants to take this two unit building and make it a three unit building, which is considered a multi-family dwelling and requires Council approval. The public hearing was called to order at 7:05 PM. Manager Lowthert indicated Ted Strosser is present representing the property owners. He asked if Mr. Strosser wanted to proceed with this public hearing. Mr. Strosser said at the Planning Commission meeting it was stated that there is a requirement that a variance be achieved *prior* to a conditional use if both are required. He would prefer to proceed with this conditional use hearing tonight, but if that isn't possible, he would ask for a continuance.

Solicitor Lyons stated if we proceed with a hearing tonight, it would be conditional upon the applicant obtaining the necessary variances, as well as any other permits required. The other alternative, to avoid having to re-advertise this hearing, would be a continuance.

Ted Strosser asked Council to hold the hearing tonight. Manager Lowthert updated Council on the two variances that will be required from the Zoning Hearing Board (ZHB):

1) Currently this property requires eight parking spots for the number of units and square footage within this property. The applicant wants to put in only six parking spots. 2) The width of the property is less than the width needed for a multi-family dwelling. The width of the property is what it is and certainly cannot change.

Mr. Strosser said the property is only 45 feet wide and doesn't meet the minimum width requirement. It does meet the square footage requirement for three units. This property is the third property back from Cherry Alley, behind Barnes & Noble and Brushstrokes. It is currently a large two unit building with a two car garage. Current owners are John and Liz Furia; they want to make a nice one unit on the ground floor, with two units above. Changing this from a two unit building to a three unit building makes it a multi-family dwelling. All setback requirements, impervious coverage requirements (even with the additional parking), and open space requirements have been met. The parking requirement is based on usable square footage per unit, and this property is being penalized because the ground floor unit, a two bedroom unit, is so large. It is 925 square feet, and since you need one parking space for every 200 square foot of usable space, this unit alone requires five parking spaces. One of the upper floor units is 253 square feet (a one bedroom unit) requiring two spaces; the other upper floor unit is 432 square feet a two bedroom unit) requiring three parking spaces. The applicant proposes to provide two parking spaces for each of the three units. The ground floor unit would get the two garage spaces. The conditional use is needed in this zoning district for a multi-family dwelling, and he pointed out there are two other multi-family units on this block. The backyard is joined by a 24 space parking lot which serves the Downtown Commercial District. He strongly believes this is a good spot to increase some density in town, it is out of the flood plain, and it has extra lot size space to meet the parking requirement. He would ask this conditional use request be granted, conditional upon the variances being granted by the ZHB.

Manager Lowthert stated stacked parking is shown on this drawing. Mr. Hines said the ordinance doesn't say that you cannot have stacked parking. Manager Lowthert explained what Council has to decide tonight is whether they feel a three unit building is appropriate at this location. Mr. Hines clarified this multi-family use is a permitted use in this district, but Council approval is required. The lot size requirement has been met, however, the minimum width of the lot requirement has not. Councilmember Cox said reasonableness should come into play with things like this and this certainly sounds reasonable. Mayor Wagner said she sees no negative impact on this neighborhood, only a positive impact.

Manager Lowthert said this is the public hearing portion, once all comments have been made, the public hearing will be closed and Council action can be taken under the Community Development/Planning Committee portion of the agenda. Councilmember Derman asked what conditional use means exactly. Manager Lowthert said it is a permitted use, but Council must decide if they feel in this case, for this property, the request is appropriate.

Solicitor Lyons said the word conditional makes it sound like it is conditional upon something, but in this case the use is permitted conditionally upon Council's approval. So, if Council choses to approve this, the approval will have to be conditioned upon obtaining the variances and any other permits required.

**ATTENDANCE**

**CALL TO ORDER**

**APPROVAL OF MINUTES**

**(PUBLIC HEARING)**

**CONDITIONAL USE REQUEST FOR 30 NORTH FOURTH STREET PROPERTY**

**TED STROSSER**

January 17, 2017

Mr. Hines stated for the record that this hearing was advertised two consecutive weeks prior to today, the neighbors were notified by mail of this hearing, and the property was posted in accordance with the ordinance and the Municipalities Planning Code (MPC).

Council President Bergonia asked if there is anyone else that would like to speak with regard to this conditional use request. No one wished to speak. Council President Bergonia declared the public hearing closed at 7:20 PM.

**PUBLIC PARTICIPATION:** There were no members of the public that wished to speak.

**PUBLIC WORKS/POLICE COMMITTEE:** Manager Lowthert explained the Public Works/Police Committee meeting was cancelled in January, as the date of the meeting was January , the first day back to work after the Holiday and there was a tremendous amount of work that needed to be done by Staff.

Council received the Buffalo Valley Regional Police Department's (BVRPD) monthly report. Mayor Wagner said Chief Yost isn't here this evening. She reported there was an arbitration hearing yesterday on the union contract and since it is binding arbitration, we will do whatever the arbitrator decides. We hope to hear something in May or June of this year. She said the Chief, as well as the union, did a great job. If there are any questions for the Chief, she would be happy to relay them.

**COMMUNITY DEVELOPMENT/PLANNING COMMITTEE:** Councilmember Yohn made a motion, seconded by Councilmember Morris, to approve HARB item a, as submitted and recommended by HARB. Motion was unanimously approved.

**a. Kristin-David Koconis/202 South Second Street/Garage.** An application was submitted to and reviewed by HARB for a garage. Motion was made by Mary Mastascusa, seconded by Elaine Wintjen, to recommend approval of a one car garage, as described in the project description of the HARB application and with the configuration and materials indicated on the plans provided by Kate Fairweather. Motion was unanimously approved.

**Courtesy Review:** A representative of Bucknell University asked Ted Strosser, HARB Chairman, to share the miscellaneous work to be performed on Smith Hall, i.e. dormers on courtyard roof (opposite Seventh Street) with HARB. It was the opinion of HARB that there is no impact on the streetscape given the location, so no formal review is required. It should be noted that drawings were submitted for the Borough's records.

**Project Updates:** Kate Fairweather was present to inform HARB of a request for a change to the garage being built by Connie Moore, 110 South Second Street. It is being requested that she be permitted to install shingles vs. the original request for siding. This change was unanimously approved by HARB.

Councilmember Yohn made a motion, seconded by Councilmember Derman, to approve the conditional use request of JPF & LLF Enterprises, LP, for 30 North Fourth Street, conditional upon obtaining the required variances from the Zoning Hearing Board, as well as any other required permits. Motion was unanimously approved.

Councilmember Yohn made a motion, seconded by Councilmember Cox, to accept the resignation of Robert B. Cook from the Borough Council and the Historic Architectural Review Board (HARB), with regret. Motion was unanimously approved.

A member of the public said he would like to submit his name as a candidate to replace Councilmember Cook. Manager Lowthert reported we will be talking about this a little later in this meeting and once we get there, you will be able to introduce yourself.

Councilmember Yohn made a motion, seconded by Councilmember Derman, to provide a letter of support for the Lewisburg Neighborhoods Corporation (LNC) special event permit application to PennDOT for the River Road Holiday Sunday, April 23rd from 1 PM to 5 PM. Motion was unanimously approved.

Councilmember Yohn made a motion, seconded by Councilmember Derman, to approve the use/possession/consumption of beer and/or wine permit application for Buffalo Valley Recreation Authority (BVRA) for wine and paint classes to be held March 10th and 25th and April 8th and 21st from 5:30 PM to 7:30 PM, contingent upon receipt of application fee in the amount of \$250.00 and a Certificate of Insurance. Motion was unanimously approved.

Manager Lowthert reported the sign sub-committee continues to move forward. There is a Planning Commission vacancy with a term expiration date of December 31, 2017 and there are now two HARB vacancies; one with a term expiration of December 31, 2017 and the other with a term expiration of December 31, 2018. Both HARB positions are at-large, so you must be a Borough resident and a property owner, with an interest in historic preservation. Manager Lowthert commented if we get a number of applicants for the Council position, and he already has been contacted by interested residents, anyone not selected for the Council position maybe interested in one of these other positions available. After last month's meeting he contacted Robert Lack and David Heayn regarding these openings. Council has until February's regular meeting to appoint someone to serve as the Ward II Council representative. That term expiration is 12/31/17, so the person appointed to this seat will have to contact Voter Services to file the necessary paperwork if they are interested in continuing to serve on Council after 12/31/17.

(PUBLIC HEARING CLOSED)

**PUBLIC PARTICIPATION**

**PUBLIC WORKS/POLICE COMMITTEE**

**BVRPD MONTHLY REPORT**

**COMMUNITY DEVELOPMENT/PLANNING COMMITTEE HARB**

**K-D KOCONIS**

**CONDITIONAL USE REQUEST FOR 30 NORTH FOURTH STREET PROPERTY APPROVED/WITH CONDITIONS**

**R COOK'S RESIGNATION FROM COUNCIL AND HARB ACCEPTED**

**LETTER OF SUPPORT FOR LNC'S RIVER ROAD HOLIDAY APRIL 23RD APPROVED**

**BEER/WINE PERMIT APPLICATION APPROVED FOR BVRA**

**GENERAL UPDATES AND INFORMATION**

January 17, 2017

Also, Councilmember Yohn, because of her appointment by Council, can only continue to serve until the next election, which means she will have to contact Voter Services to file the necessary paperwork. Councilmember Derman asked when we will interview candidates. Manager Lowthert said at the February Council meeting, as they have to be interviewed at a public meeting. If a decision cannot be made, this would then go to the Vacancy Board. Trey Casimir is the Chairman of the Vacancy Board and it consists of all members of Council. The Vacancy Board would then have thirty days to fill the Council position.

Councilmember Morris asked the gentleman that expressed an interest in the Council position to introduce himself. Jodi Comas of 117 South Front Street said he has lived in this Borough since 2002, has been a professor at Bucknell University part-time, has been a Chef at Brasserie Louis, and he cares about local economics, community development and sustainability.

Manager Lowthert said there will be a press release and posting on the Borough's website; anyone interested should submit a letter of interest, with any other supporting documentation, to the Borough Office and it will be distributed to all Councilmembers.

**ADMINISTRATIVE/FINANCE COMMITTEE:** Councilmember Cox made a motion, seconded by Councilmember Morris, to approve the payment of bills from December 17, 2016 through January 13, 2017 in the amount of \$254,817.21. Motion was unanimously approved.

Councilmember Cox made a motion, seconded by Councilmember Morris, to approve a three year financial contribution to the Lewisburg Downtown Partnership (LDP), as recommended by the Administrative/Finance Committee, as follows: in 2017, the amount of \$25,000.00; in 2018, the amount of \$27,500.00; in 2019, the amount of \$30,000.00. ON THE QUESTION: Councilmember Cox explained the LDP hasn't had an increase from Council in many years and that is the reason for this motion. Councilmember Derman stated we can't hold the next Council to these numbers. Manager Lowthert explained the Council coming onboard in 2018 has the opportunity to open the budget and make changes. Motion was unanimously approved.

**MAYOR:** Mayor Wagner said this has been a month of reorganizations. She had the honor of being reelected as Chairwoman of the BVRPC and Councilmember Mahon was reelected Secretary. We will miss Ed Cox tremendously, however, we welcome Michael Derman. She stated she is very proud of the Chief and the Regional Police. She also noted that very soon Jane Albin is going to be displaying her artwork in the Council Chambers.

**COUNCIL PRESIDENT:** No report.

**MANAGER:** Manager Lowthert said at the last meeting it was agreed that the Borough would meet with EBT in a smaller group setting. (Committee membership of this group consists of: Mayor Wagner, Councilmember Derman and Manager Lowthert) This committee will be discussing the IGA, and the conditions set forth by Council were: 1) the meetings must be open to the public, and 2) that the 48/52 split is firm and the committee cannot negotiate this issue. Once EBT was informed of Council's intentions via a letter, EBT sent a letter dated December to the BVRPC indicating they were cutting their PPU contribution to 50%. The small group discussion will take place on Monday, January 30th at 3 PM here in the Borough Council Chambers. This meeting will be posted on the Borough's website and there will be a press release sent to the papers. Mayor Wagner said EBT requested 50% of the alleged 56.93 PPU's that were to be available and that number was the Chief's estimate of available PPUs. However, right now the police are short staffed and it is staff that manufactures the PPUs. If you do not have the staff to make them and you don't hire, the police will not be able to produce that projected number of PPUs. Councilmember Morris asked if that 56.93 PPU number is larger than the 2016 PPU number. Mayor Wagner said yes it is. There was **much** discussion. It was the sense of Council that this committee can determine what issues in the IGA may need to be addressed. Solicitor Lyons commented that during these meetings you aren't necessarily agreeing to anything, you are listening and trying to determine if there is any way you can come up with a resolution. By keeping the percentage the same doesn't mean you can't negotiate other items that generate monies. No one wants to see the Regional Police Commission fail. Manager Lowthert concurred that the committee will meet and listen, reporting back to Council at their February meeting.

A member of the public questioned if EBT had a reason for the 50/50 split. Manager Lowthert said he can't speak for EBT, but because the IGA talks about one jurisdiction, it appears as though EBT feels within that one jurisdiction the costs should be split evenly between the two participating municipalities. Again, there was **much** discussion.

**SOLICITOR:** Solicitor Lyons reported he has prepared a resolution increasing the degradation fees as instructed last month. This resolution is before Council this evening for action.

**JODI COMAS OF 117 SOUTH FRONT STREET EXPRESSED INTEREST IN SERVING ON COUNCIL**

**ADMINISTRATIVE/ FINANCE COMMITTEE PAYMENT OF BILLS**

**THREE YEAR CONTRIBUTION TO LDP APPROVED**

**MAYOR**

**COUNCIL PRESIDENT**

**MANAGER MEETING WITH EBT TO DISCUSS IGA SET FOR JANUARY 30TH**

**SOLICITOR**

January 17, 2017

Councilmember Derman made a motion, seconded by Councilmember Frederick, to adopt Resolution No. 17-01, a resolution that increases the degradation fees for pavement excavations occurring in pavements less than five (5) years old as follows: roadway pavement age of less than five (5) years = \$1,000.00; less than four (4) years = \$2,000.00; less than three (3) years old = \$3,000.00; less than two (2) years old = \$4,000.00; less than one (1) year old = \$5,000.00. Motion was unanimously approved.

**OTHER COMMITTEES:** Council President Bergonia indicated the Buffalo Valley Recreation Authority (BVRA) is currently working on the warming house; they continue with their usual business.

Councilmember Morris indicated interviews for the Executive Director position are currently underway. Everyone is working very hard on the upcoming Ice Festival, which will be held February 3th and 4th. Ellen Ruby, LDP's interim executive director, has done a very good job organizing this event. She is amazed at how many different parts of the community come together to make this a successful weekend.

Mayor Wagner reported the Town and Gown Committee is still not activated.

Mayor Wagner reported the LNC, as indicated on the agenda, is in need of another board member. The Flood Impact Task Force met last week to plan a public meeting at which information can be disseminated to people who are interested. This meeting has to do with those on the periphery flood plain and the importance of Flood Elevation Certificates. Some people may no longer be in the flood plain and wouldn't have to pay the flood insurance. This meeting is to simply provide information. Manager Lowthert said the Borough will likely do a mailing to the properties the Flood Task Force identifies, and we will post information on our website about this also. Anyone interested is welcome to attend. Councilmember Derman said the River Town Committee doesn't meet until next week.

Manager Lowthert reported the Shade Tree Commission is up to full staff now and he doesn't believe they met in January.

Council President Bergonia reported the CK-COG continues with their work; nothing new to report.

Councilmember Morris said she is still working on a mission statement, which should be finalized upon Kyle Bray's return. Council President Bergonia said he also believes there is a workshop conference scheduled sometime in February.

Councilmember Cox shared that the next MACAC meeting is scheduled for January 24th.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**WRITTEN REPORTS:** Councilmember Morris made a motion, seconded by Councilmember Yohn, to acknowledge receipt of the Budget Index, Parking Report, Code Enforcement Officer Report and Zoning Officer's report. Motion was unanimously approved.

**WORK SESSION:** Council President Bergonia said it looks like there will be a work session on February , which is Valentine's Day, for the LNC presentation of the draft final for the Bull Run Master Site Plan. Councilmember Morris and Council President Bergonia indicated they will not be able to attend the February meeting. There was **much** discussion. Council President Bergonia announced that there will not be a work session February and that the LNC presentation will be postponed until the March 14th work session.

Council President Bergonia called for a five minute recess at 8:00 PM.

Councilmember Morris made a motion, seconded by Councilmember Frederick, to hold an executive session on pending litigation and a potential real estate transaction. Motion was unanimously approved.

Council entered executive session at 8:05 PM. Council returned at 8:50 PM.

There being no further business, Councilmember Morris made a motion, seconded by Councilmember Frederick, to adjourn the meeting. Motion was unanimously approved. Meeting adjourned at 8:50 PM.

Respectfully submitted,

Patricia M. Garrison  
Borough Secretary

**INCREASE TO DEGRADATION FEES (RESOLUTION NO. 17-01)**

**OTHER COMMITTEES BVRA**

**LDP**

**TOWN AND GOWN COMMITTEE**

**LNC**

**STC**

**CK-COG**

**COMMUNITY GARDEN COMMITTEE**

**MACAC**

**OLD BUSINESS**

**NEW BUSINESS**

**WRITTEN REPORTS**

**WORK SESSION**

**RECESS**

**PENDING LITIGATION/ POTENTIAL REAL ESTATE TRANSACTION**

**(EXECUTIVE SESSION)**

**ADJOURNMENT**